

25X1

**Page Denied**

Next 8 Page(s) In Document Denied

E 1126

CONGRESSIONAL RECORD — Extensions of Rem.

March 26, 1985

Japan each year for two months of study and home stays. The similar program called the Japan Prefecture Program, which is a year old, brings 47 Japanese students each year to this country for one year of studies and home stays. Both programs are administered by Washington-based Youth for Understanding, an organization I have come to respect and admire.

Learning is a lifetime endeavor, and I promise you that Mitsuko and I will continue to be ardent students of America and Japanese-American relations. We are deeply grateful to all of you, as individuals and as an organization, for all you have done to make our stay here useful, rewarding and enjoyable. We are very happy to return to Japan with such fond memories of Washington and the whole 50 states of this country. We thank you from the bottom of our hearts, and we look forward to seeing you in Tokyo or in our travels.

Sayonara.●

### BUDGET CUTS POSE PROBLEM FOR MASSACHUSETTS' STUDENTS

**HON. JOE MOAKLEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 26, 1985*

● **Mr. MOAKLEY.** Mr. Speaker, certainly, one of the most damaging areas of budgetary cutbacks and programmatic restrictions proposed by President Reagan in his fiscal year 1986 budget is in the area of Federal student financial assistance, particularly with regard to the Guaranteed Student Loan Program. I would like to share with my colleagues the following letter from my good friend Joseph M. Cronin, president of the Massachusetts Higher Education Assistance Corp., about the devastating impact that these changes will have on students attending Massachusetts' independent colleges and universities. While I knew these cutbacks would be quite serious, even I was surprised at the enormous negative ramifications that will result in these postsecondary institutions. I hope that my colleagues in the Congress will realize the shortsightedness of such funding cuts and will join me in opposing the administration's proposal:

MASSACHUSETTS HIGHER EDUCATION

ASSISTANCE CORP.,

Boston, MA, March 19, 1985.

HON. JOHN JOSEPH MOAKLEY,

U.S. House of Representatives, Cannon Building, Washington, DC.

DEAR CONGRESSMAN MOAKLEY: The Reagan Administration has proposed substantial reductions in student eligibility for a higher education loan. His budget proposal will eliminate 40,000 Massachusetts students from eligibility in order to save \$98 million.

I thought you would like to see the effect on Massachusetts students at the larger independent Massachusetts colleges and universities. The impact on U. Mass.-Amherst is more than six million dollars, but the great burden of costs will be felt by those at private colleges.

The biggest surprise may be the impact on Northeastern University. Although 80 percent of their students earn a portion of their tuition through cooperative education

jobs, many must borrow the rest to pay for tuition, textbooks, room and board.

School	Loans <sup>1</sup>	Amount
Northeastern University	2,140	\$5,353,173
Boston College	1,452	3,793,894
Boston University	1,251	3,711,185
Harvard College	1,056	3,461,540
Bentley College	837	2,001,939
Suffolk University	756	2,125,179
Wentworth College	599	1,410,511
College of the Holy Cross	468	1,110,354
Merrimack College	439	999,075
Stonehill College	433	991,343
Tufts University	418	1,080,519
Worcester Polytechnic Institute	406	894,484
Western New England College	367	922,566
Assumption College	362	843,873
Babson College	339	873,665
Massachusetts Institute of Technology	332	896,340
Brandeis University	281	674,547
Simmons College	262	648,508
Clark University	243	563,350
Springfield College	207	501,100
Smith College	191	421,562
Emerson College	190	492,078
Mount Holyoke College	186	439,970
Regis College	182	414,176
Wheaton College	176	403,650
Nichols College	174	407,071
Wellesley College	155	356,315
Williams College	140	328,592
Emmanuel College	139	299,543
American International College	131	303,518
Central New England College	131	287,760
College of Our Lady of the Elms	127	305,182
Dartmouth College	125	288,606
Lesley College	122	329,116
Anna Maria College	105	259,547
Amherst College	104	210,510
Berklee College of Music	103	243,925
Gordon College	95	221,974
Massachusetts College of Pharmacy	89	215,854
Eastern Nazarene College	54	125,062
Wheaton College	48	116,553

<sup>1</sup> To students from families with adjusted gross income of more than \$32,500.

Again, these figures are for Massachusetts students only; 85 percent of Amherst College students have parents living in other states. MIT imports from other states 90 percent of its students, 75 percent of whom stay in Massachusetts and add to our famous high tech prosperity.

The most interesting fact is that 70 percent of our student loan recipients are from families with less than \$32,500 adjusted gross income. But many of these will be ineligible for loans because of the arbitrary \$4,000 cap on all sources of federal aid: Pell grants, work study, and loans. The Guaranteed Student Loan Program serves mainly low income and working class families and middle income families with two or three in college at once.

We appreciate your continued support of this program.

Sincerely,

JOSEPH M. CRONIN,  
President.●

### H.R. 1082 WILL IMPROVE U.S. HUMAN INTELLIGENCE CAPABILITIES BY FACILITATING CITIZENSHIP FOR CERTAIN SOURCES

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 26, 1985*

● **Mr. STUMP.** Mr. Speaker, the ability of the United States to collect intelligence on the intentions of hostile foreign countries depends upon the ability of the Central Intelligence Agency to persuade highly placed individuals in those countries to cooperate with U.S. intelligence. The motivation for such cooperation may vary from individual to individual. However, in-

telligence sources motivated by their belief in the principles of human freedom, justice, and peace, for which the United States stands in the world, have often proved to be of the greatest intelligence value. These individuals cooperate with U.S. intelligence because they wish to contribute to the advancement of high principles of freedom and often because they hope, at the end of their U.S. intelligence service abroad, to be welcomed into the community of freedom we enjoy in the United States. Title VII of H.R. 1082 will enhance the ability of U.S. intelligence to secure the cooperation of these well-motivated, highly placed individuals abroad by permitting them, in certain circumstances, to become U.S. citizens expeditiously at the end of their intelligence service.

#### 1. UNIQUE RELATIONSHIP OF INTELLIGENCE SOURCES TO THE U.S. GOVERNMENT

To carry out its foreign intelligence collection mission, the Central Intelligence Agency depends upon human sources abroad for information and operational assistance. To secure the cooperation of a well-placed individual who can provide the needed information or assistance, the CIA officer who will work with that source must establish with him a secret relationship with three critical elements: secrecy, trust, and mutual benefit.

Secrecy is the first critical element in the relationship between the CIA and a foreign intelligence source. A potential source will cooperate with the CIA only if he believes that the secrecy of his relationship with the CIA will be protected. If he believes that the CIA cannot provide an ironclad guarantee of secrecy and deliver on that guarantee, he will not cooperate. If such secrecy is breached, the source loses his freedom, and in many parts of the world, his life. The Congress has in recent years enhanced considerably the ability of the CIA to deliver on its guarantee of secrecy in human intelligence activities by enacting the Intelligence Identities Protection Act, which protects the identities of intelligence sources, and the CIA Information Act, which excludes CIA operational files from the reach of the Freedom of Information Act.

Trust is the second critical element in the relationship between the CIA and an intelligence source. The intelligence source must be confident that the CIA as an institution of the U.S. Government, and the particular CIA officers with whom he works, will deal with him honestly and fairly, will take care of his interests in the event of mishap, and will honor fully whatever promises are made to him. The CIA takes great care to maintain such trust. Breaches of this trust would alienate foreign intelligence sources, ending their cooperation with U.S. intelligence.

Mutual benefit is the third critical element in the relationship between the CIA and the intelligence source.

March 26, 1985

## CONGRESSIONAL RECORD — Extensions of Remarks

E 1

Neither U.S. intelligence nor an intelligence source will incur the risk which inheres in a clandestine intelligence relationship unless the product of the relationship is judged by both parties to be worth the risk. The U.S. Government benefits from the secret information and operational assistance the intelligence source provides. The intelligence source's benefits vary, sometimes including compensation and sometimes not. Among the most dedicated and effective intelligence sources, however, are those who only want a chance to contribute to the advancement of justice and freedom for which the United States stands and a chance to go to the United States at the end of their intelligence service, to participate in the free society which their secret service has helped to maintain.

#### 2. ADMISSION OF INTELLIGENCE SOURCES TO THE UNITED STATES AT THE END OF THEIR SERVICE

Under section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403h), whenever the Director of Central Intelligence, the Attorney General and the Commissioner of Immigration determine that entry of an alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, the alien is admitted to the United States for permanent residence without regard to U.S. immigration laws. No more than 100 persons may be admitted under this special authority in any fiscal year. This special provision, enacted 36 years ago, provided clear authority to bring U.S. foreign intelligence sources into the United States for permanent residence at the end of their intelligence service. Without such a clear statute that applies notwithstanding any other laws, the CIA would be unable to promise a potential intelligence source that at the end of his secret intelligence service the United States will reward him and protect him with permanent U.S. residence.

The ability of the CIA—with the approval of the Attorney General and the Commissioner of Immigration—to offer permanent residence in the United States at the end of service contributes substantially to the CIA's ability to persuade highly-placed individuals abroad to cooperate with U.S. intelligence. A statute which would permit U.S. intelligence to offer to a potential intelligence source U.S. citizenship at the end of his service would contribute further to the CIA's ability to persuade key personnel of hostile foreign governments to cooperate with U.S. intelligence.

#### 3. ABILITY TO OFFER CITIZENSHIP TO INTELLIGENCE SOURCES AT THE END OF THEIR SERVICE

Although section 7 of the CIA Act provides extraordinary authority to admit foreign intelligence sources to the United States for permanent residence, no similar statute exists which grants extraordinary authority with

respect to citizenship for such persons. Thus, U.S. intelligence cannot offer citizenship to the best potential sources, because no statute exists which provides a clear guarantee that the United States can deliver on that offer after the source performs his secret intelligence service. Regardless of the value to the United States of a source's secret intelligence service, to become a citizen after he has become a permanent U.S. resident, he must qualify under the generally applicable naturalization laws. The requirement to comply with the general naturalization laws fails to take account of the critical contribution of certain intelligence sources to the national security and also fails to take account that, in certain cases, a former intelligence source may be handicapped in qualifying for citizenship solely because of his intelligence service.

Well-placed individuals of good character in hostile countries who risk their lives and livelihood for years to provide vital intelligence to the United States, because they believe in the principles for which America stands, have proved their fitness for citizenship by that service. Risking one's life and livelihood to assist a nation because of its principles represents the highest demonstration of allegiance to that nation. A foreign intelligence source whose actions contribute substantially to the security of the United States merits special consideration for citizenship.

The citizenship laws of our ally to the north, Canada, provide a clear example of a national determination that certain service of extraordinary value may merit an expedited method for conferring citizenship on the individual performing the service. Thus, section 5(4) of Canada's Citizenship Act (1976), other provisions of which contain detailed and restrictive provisions for becoming a citizen, provides:

In order . . . to reward services of an exceptional value to Canada, and notwithstanding any other provision of this Act, the Governor in Council may, in his discretion, any person and, where such a direction is made, the Minister shall forthwith grant citizenship to the person named in the direction.

The Canadian statute provides a useful model for special citizenship consideration based on extraordinarily valuable service to the Nation.

In the absence of a provision for special consideration for U.S. citizenship of America's best intelligence sources, they must continue to qualify for citizenship under the general naturalization laws. In some cases, however, the very activity the source undertook to assist U.S. intelligence may place the source at a disadvantage in qualifying for citizenship. Thus, for example, a source who—at the urging of U.S. intelligence—remained an active member of the Communist Party of a foreign nation to report to U.S. intelligence on the party's activities, suffers due to his cooperation with U.S. intel-

ligence when he comes to the United States at the end of his service. Time spent in service to the United States as an intelligence source does not count in the source's favor in satisfying certain waiting periods imposed by the general naturalization law. Having been a member of a Communist Party, he must wait 10 years before becoming eligible for citizenship, since the section 313 of the 1 U.S.C. 1424) requires that 10 years have elapsed since an individual seeking citizenship has terminated membership in a Communist Party. Thus, under current U.S. law, foreign intelligence sources who have contributed substantially to U.S. security not only receive no special treatment in the citizenship process, but may even be actively handicapped in that process because of their service.

In addition to the substantive handicaps which the Immigration and Nationality Act imposes upon intelligence sources seeking citizenship, that act imposes procedural handicaps as well. Section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427) requires that an individual seeking citizenship file a petition for naturalization in the court with jurisdiction over his place of residence. This requirement would result in a publicly available court record revealing that the source is in the United States and revealing where he has settled in the United States. The availability of such information could constitute a threat to the safety of the source, whose former country may seek to do him harm.

In some situations, such as that of Soviet MIG pilot Viktor Belenko, the executive branch has secured the citizenship consideration a source deserves by seeking a private bill in the Congress. The private bill procedure, however, lacks sufficient security to serve as a permanent solution to the problem of citizenship for key sources. The private bill procedure reveals that a source is in the United States, since the private bill must include the source's name. Moreover, the private bill procedure requires rather general dissemination in the legislative branch of information, much of which will be classified, concerning the merits of the private bill. Most importantly, the outcome of the private bill procedure is not predictable; the press or other legislative business or the timing of the bill may result in its failure to pass for reasons wholly unrelated to the merits of the private bill. The hit-or-miss nature of the private bill procedure prevents U.S. intelligence from offering the prospect of citizenship to attract key foreign sources to service for the United States, because U.S. intelligence cannot offer citizenship unless it is absolutely sure it can deliver on its offer, and it cannot be sure with the private bill procedure.

E 1128

## CONGRESSIONAL RECORD — Extensions of Remarks

March 26, 1983

Existing U.S. naturalization statutes do not take proper account of the special situation of the most valuable U.S. foreign intelligence sources. Legislation clearly establishing a speedy, secure, and reliable procedure for citizenship for such sources would correct this deficiency, enabling U.S. intelligence in appropriate circumstances to offer citizenship to key potential intelligence sources to attract them to service for the United States and to reward those sources who have contributed substantially to the security of the United States.

## 4. FOREIGN INTELLIGENCE SOURCE IMPROVEMENT ACT

Title VII of H.R. 1082, entitled the "Foreign Intelligence Source Improvement Act," provides the speedy, secure, and reliable procedure for citizenship for key sources that U.S. intelligence needs. Section 702 in title VII of the bill would permit the President personally, in certain circumstances, to naturalize intelligence sources admitted to permanent U.S. residence under section 7 of the CIA Act of 1949. Section 702 provides:

Sec. 702. Section 7 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403h) is amended by inserting "(a)" after "Sec. 7." and adding at the end thereof the following new subsection—

"(b)(1) The President may, notwithstanding any other law, naturalize as a citizen of the United States an alien admitted to the United States for permanent residence pursuant to subsection (a) of this section if—

"(A) the Attorney General determines and certifies to the President that the alien is a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States, and

"(B) the President finds that the foreign intelligence activities of the alien on behalf of the United States have contributed substantially to the security of the United States,

except that in no case shall the number of aliens naturalized in any fiscal year pursuant to this subsection exceed five.

"(2) Prior to naturalization under paragraph (1) of this subsection, an alien to be naturalized under such paragraph shall, before an officer of the executive branch designated for the purpose by the President, take the oath of renunciation of former citizenship and acceptance of allegiance to the United States required of an alien naturalized under other provisions of law.

"(3) Notwithstanding any other law, a district court of the United States, upon application of the Attorney General under this subsection, shall, in a manner consistent with the protection of intelligence sources, methods and activities, issue or cause to be issued such documents relating to an alien naturalized by the President under this subsection as are issued relating to an alien naturalized under other provisions of law, and such documents relating to an alien naturalized by the President shall have the same legal effect as documents issued relating to an alien naturalized under other provisions of law.

"(4) The President may not delegate the authority granted in paragraph (1) of this subsection, anything in section 301 of title 3, United States Code, to the contrary notwithstanding.

"(5) The President shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate each time the authority granted in paragraph (1) of this subsection is exercised."

Section 702 of H.R. 1082 provides for naturalization of an intelligence source admitted to permanent U.S. residence under the CIA Act if, first, the Attorney General determines that the source is of good character and, second, the President finds that the source's foreign intelligence activities contributed substantially to the security of the United States. To ensure application of the provision in the manner intended, section 702 carefully circumscribes the unusual authority it confers to naturalize individuals whose intelligence activities have made an extraordinary contribution to U.S. security. Thus, the individual to be naturalized must, to the satisfaction of the Attorney General, meet the good character requirement applicable to candidates for naturalization under other laws (see 8 U.S.C. 1427(a)(3)); the President personally must evaluate the individual's intelligence activity and find that it constitutes a substantial contribution to U.S. security; the President personally must exercise the naturalization authority and may do so only with respect to not more than five individuals per fiscal year; and the President must notify the intelligence committees of the Congress each time he uses the authority.

Section 702 provides a clear and reliable statutory procedure for naturalization of individuals whose valuable secret intelligence service for the United States merits citizenship. The reliability of the procedure will enable U.S. intelligence to offer citizenship in appropriate circumstances to key potential intelligence sources. Enactment of section 702 will enhance the ability of the CIA to collect critically needed foreign intelligence and will properly reward with citizenship the Nation's most highly valuable, deserving intelligence sources.

## UNDERSTANDING AIMS OF IRISH NATIONALISM

HON. JOSEPH J. DiGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1983

● Mr. DiGUARDI. Mr. Speaker, on March 17, Saint Patrick's Day, 1982, an Taoiseach—Irish prime minister—Charles Haughey delivered an important message at the White House at the invitation of President Ronald Reagan. At that time, Mr. Haughey, like Tomas O Fiaich, the Archbishop of Armagh and Cardinal Primate of All Ireland, recognized both the historical and the practical validity of an American dimension to Irish affairs. Mr. Haughey also encouraged positive American involvement in the quest for a just and lasting peace for all Ireland.

This month, now as the leader of the opposition, Fianna Fail, party in the Eireann, Mr. Haughey returned to the United States to resume his call for American support for the cause of Irish reunification, which is the *shu* qua non of peace with justice. He said that the noble principles that inspired the Founding Fathers of this great Nation be applied to Ireland.

In a major address to the Friends of Fianna Fail in America in New York on Friday, March 1, 1983, Charles Haughey dealt plainly with the confused, often negative signals which have emanated from Dublin and issued a call for constructive dialog and cooperation. He also spoke plainly about the situation in Northeast Ireland where there is no democratic government and the six-county area can only be governed by force and the constant deployment on the streets of fully armed troops and police.

Last month British Prime Minister Margaret Thatcher told this Congress that our collective traditions and common heritage included:

Representative government, habeas corpus, trial by jury, a system of constitutional checks and balances . . . religious toleration.

She reminded us that:

In the practice of politics—and in our civilization generally—the conscious inspiration of it all has been the belief and practice of freedom under law, a freedom disciplined by morality, under a law perceived to be just.

Charles Haughey came to America this month to remind us that none of those noble principles are put into practice in those six of the divided Irish Province of Ulster's nine counties known as Northern Ireland. He also seeks to enhance our understanding of the legitimate aims of Irish nationalism and of the Irish fundamental, permanent aspiration for sovereign independence which rises Phoenix-like in each generation.

I agree with Mr. Haughey that:

The time has surely come for America to use her great power and influence to help—solve one of the major political problems of the West and to eliminate a source of tension and trouble between two nations with whom she has the closest historical ties of friendship.

As I have often said, America's debt to the Irish in no less than the debt she redeemed in France in 1918 and again in 1944.

For the purpose of constructive dialog, I offer, for consideration in the record of this Congress, this address by: Charles J. Haughey, T.D., president of Fianna Fail, on the occasion of the first annual dinner of the friends of Fianna Fail in America, New York, March 1, 1983.

ADDRESS BY CHARLES J. HAUGHEY T.D., PRESIDENT OF FIANNA FAIL

Our dinner this evening is presided over by one of the greatest and finest Irish-Americans of any era, Thomas W. Gleason. At the age of fifteen Teddy Gleason went down to work on the docks of New York for 10 cents an hour and rose to become Presi-

**Page Denied**

Next 1 Page(s) In Document Denied

my Bill  
E 1323

April 3, 1985

C JGRESSIONAL RECORD *Extensive Remarks*

Beverly Warmbrand, who was the interpreter for the deaf at all meetings.

The following individuals from the National Park Service spent many hours assisting the committee:

David Moffit, superintendent of the Statue of Liberty Monument, who attended many of the meetings which were held at facilities provided by the Port Authority of New York and New Jersey;

Debra Burge, special population coordinator, Statue of Liberty;

Ray Bloomer, disability specialist, North Atlantic Region Office, National Park Service;

Herbert Cables, regional director, National Park Service, North Atlantic Region;

David C. Park, chief, special programs in population branch, National Park Service, Washington, D.C.

Russell E. Dickinson, former director, National Park Service.

Recommendations made will provide accessibility for the millions of disabled people in the United States.

The Disabled American Veterans, who have given so generously toward the renovation of our two most-cherished national shrines, indeed prove F. Scott Fitzgerald's quotation that "America is a willingness of the heart" despite the personal hardships and tribulations suffered by its members. They always have taken the challenge of the famous words of John F. Kennedy, who said:

"Ask not what your country can do for you, but what you can do for your country."

The Statue of Liberty has stood for 100 years as a beacon in the quest for political, educational, economic and intellectual freedom. Indeed this contribution by the DAV will help aid those who also seek freedom—this time from restrictive barriers which have prevented the disabled and/or handicapped from visiting Liberty Island and feeling the protective warmth of the Statue of Liberty—305 feet high.

Indeed, after the ceremony on April 11th, Emma Lazarus's famous sonnet "New Colossus" has added dimensions:

**THE NEW COLOSSUS**

Not like the brazen giant of Greek fame,  
With conquering limbs astride from land to land;

Here at our sea-washed, sunset gates shall stand

A mighty woman with a torch, whose flame  
Is the imprisoned lightning, and her name  
Mother of Exiles. From her beacon hand  
Glows world-wide welcome; her mild eyes  
command

The air-bridged harbor that twin cities  
frame.

"Keep, ancient lands, your storied pomp!"  
cries she

With silent lips, "Give me your tired, your  
poor,

Your huddled masses yearning to breathe  
free,

The wretched refuse of your teeming shore,  
Send these, the homeless, tempest-tost to  
me,

I lift my lamp beside the golden door!"

History tells us that Ms. Lazarus was asked by friends to write a poem to assist the struggling campaign to raise funds to build the statue. The DAV has shown the way, proving that "America is a tune—it must be sung together."

I feel certain that all my colleagues in the Congress of the United States wish to join me in a salute to Comdr. Chad Colley and all members of the Disabled American Veterans for this everlasting gift.●

**H.R. 1082 IMPROVES FBI COUNTERINTELLIGENCE CAPABILITIES BY IMPROVING ACCESS TO CERTAIN BANK AND TAX RECORDS**

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1985

● Mr. STUMP. Mr. Speaker, the Federal Bureau of Investigation bears responsibility within the United States for protecting the country from espionage and international terrorism. The FBI devotes a substantial amount of its time and resources to detecting and countering espionage or terrorist activities of hostile foreign powers in the United States. These FBI counterintelligence activities are critical to the Nation's security.

For hostile foreign powers to create, support, and operate an espionage network or terrorist network takes money. Financial records relating to espionage or terrorist operations can often provide the FBI with the information it needs to prevent such operations or render them ineffective. The inability of the FBI to gain the access it needs to financial information contained in bank and tax records has hampered its ability to meet its counterintelligence responsibilities. Accordingly, the Congress should amend the Right to Financial Privacy Act and the Internal Revenue Code to allow the FBI access to bank and tax records it needs for its counterintelligence investigations.

On February 7, 1985, I introduced H.R. 1082, the Omnibus Intelligence and Security Improvements Act, which would remove certain obstacles hampering the FBI and its counterintelligence efforts. Sections 302 and 303 of H.R. 1082 would amend the Right to Financial Privacy Act and the Internal Revenue Code to improve FBI access to bank and tax records for foreign counterintelligence investigations.

**ACCESS TO BANK RECORDS: RIGHT TO FINANCIAL PRIVACY ACT**

The Supreme Court held in 1976 that the fourth amendment does not confer upon a bank's customers a constitutional right to the privacy of their financial records possessed by banks. (*U.S. v. Miller*, 425 U.S. 435 (1976)). In response to the *Miller* case, the Congress enacted the Right to Financial Privacy Act [RFPFA] of 1978 (12 U.S.C. 3401 et seq.). That act generally provides that, when the Government seeks the records of a customer of a financial institution which are relevant to a legitimate law enforcement inquiry, the customer must receive notice of the Government's request for the records and an opportunity to contest the Government's request in court.

Federal agencies responsible for intelligence and counterintelligence activities could not have effectively dis-

charged their responsibilities if Congress made applicable to their activities the generally applicable RFPFA requirements for notice to the customer and an opportunity to litigate. The FBI could not effectively monitor and counter the clandestine activities of hostile foreign agents and terrorists if it had to notify them that the FBI sought their financial records for a counterintelligence investigation. Accordingly, Congress enacted section 1114 of the RFPFA with special provisions for intelligence and counterintelligence access to bank records (12 U.S.C. 3414).

Under section 1114 of the RFPFA, to gain access to bank records for counterintelligence investigations, the FBI issues a letter, signed by an appropriate supervisory official and certifying compliance with the applicable provisions of the RFPFA, seeking bank records needed for the FBI's counterintelligence activities. The RFPFA requires the bank to keep secret that the FBI sought or obtained access to the records. Section 1114 of the RFPFA does not, however, mandate that banks comply with the FBI letter requesting access to the bank records; it merely permits the banks to do so without regard to the other provisions of the RFPFA.

The FBI has encountered resistance from financial institutions in obtaining access to financial records for foreign counterintelligence investigations. Banks which refuse to comply with FBI requests for access to bank records under section 1114 of the RFPFA generally cite either or both of two reasons. First, in States which have State banking privacy laws, the banks say that the State laws prevent them from complying with FBI requests for counterintelligence access to records. Second, the banks express concern that, by complying with FBI requests when they are not specifically required to do so by Federal statute, they may subject themselves to lawsuits by their customers. To remove these obstacles to FBI counterintelligence access to bank records, the RFPFA must be amended to make mandatory the FBI counterintelligence requests for access, thus clearly preempting State banking privacy laws, and to make clear that banks complying with FBI counterintelligence requests for access are fully protected from adverse legal action for complying with the FBI requests.

Section 302 of H.R. 1082 ensures effective FBI access to bank records for counterintelligence investigations by requiring banks to comply with such requests and by providing banks with legal immunity for their compliance with such requests. Section 302 provides:

Sec. 302. Section 1114(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended by adding at the end thereof the following new paragraph:

(5)(A) Financial institutions, and officers, employees, and agents thereof, shall comply

**E 1324****CONGRESSIONAL RECORD — Extensions of Remarks****April 3, 1985**

with a request pursuant to this subsection by the Federal Bureau of Investigation for financial records when such requests has been approved by the Attorney General or his designee for foreign counterintelligence purposes.

(B) Financial institutions, and officers, employees, and agents thereof, shall be immune from any civil or criminal liability for efforts to comply with a request described in subparagraph (A) of this paragraph.

Section 302 ensures that the FBI will have the access it needs to bank records in protecting the Nation from espionage and international terrorism. Section 302 also ensures that financial institutions which assist the FBI in carrying out its counterintelligence responsibilities have full legal protection.

**ACCESS TO TAX RECORDS: INTERNAL REVENUE CODE**

Tax returns filed with the Internal Revenue Service contain substantial information about taxpayers and their financial activities. In recognition of the privacy interests of taxpayers, of the potential for misuse of information about taxpayers, and of the importance of ensuring taxpayer candor in filing tax returns, the Congress historically has maintained a statutory policy of confidentiality of tax returns. Thus, tax returns are generally available only to Government personnel for enforcement of Federal revenue laws, and are generally not available for other purposes.

Section 6103 of the Internal Revenue Code (26 U.S.C. §103), which provides for the confidentiality of tax returns and return information, recognizes a number of special situations in which the governmental need for access to tax returns outweighs the taxpayer's interest in confidentiality. The currently enumerated special situations do not include FBI counterintelligence investigations of spies or terrorists. Section 6103 should be amended to give the FBI access in counterintelligence investigations to the tax returns and return information of agents of foreign powers, who engage in espionage or terrorism in the United States. Access to such information for counterintelligence investigations would improve the FBI's ability to prevent or counter espionage or terrorism activities threatening the Nation's security.

Section 303 of H.R. 1082 would amend the Internal Revenue Code to provide the needed FBI counterintelligence access to tax records. Section 303 provides:

Sec. 303. Section 6103(1) of title 26, United States Code is amended by adding at the end thereof the following new paragraph:

(8) **FEDERAL BUREAU OF INVESTIGATION COUNTERINTELLIGENCE ACTIVITIES.**—Upon a determination by the Attorney General that there is probable cause to believe that a taxpayer is a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)), the return of the taxpayer and return information which relates to such taxpayer shall, upon request for for-

ign counterintelligence purposes by the Federal Bureau of Investigation approved by the Attorney General, be open to the extent of the approved request to inspection by, or disclosure to, the Federal Bureau of Investigation.

Section 303 of H.R. 1082 provides a rapid and secure procedure by which the FBI can obtain the access it needs to tax returns and return information of foreign powers and agents of foreign powers for counterintelligence purposes. Because of the strong, historical congressional policy of general confidentiality of tax return information, section 303 appropriately imposes the relatively high standard of probable cause to believe that the taxpayer about whom information is sought is a foreign power or an agent of a foreign power as the prerequisite to FBI counterintelligence access to tax returns and return information.

**CONCLUSION**

The FBI's inability to obtain needed access to bank and tax records has impeded its ability to counter the activities of hostile foreign powers in the United States. Section 302 and 303 of H.R. 1082 will improve the ability of the FBI to detect and counter espionage and international terrorism in the United States by granting the FBI access to bank and tax records for counterintelligence investigations. The United States would no longer handicap itself by giving foreign agents engaged in espionage or terrorism the benefit of privacy protections in U.S. laws for the financing of their nefarious activities.■

**UNREGULATED HIGH-STAKES GAMBLING GROWS ON AMERICAN INDIAN RESERVATIONS**

**HON. NORMAN D. SHUMWAY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 3, 1985

■ Mr. SHUMWAY. Mr. Speaker, as Representative of several Indian reservations and rancherias in northern California, the issue of gambling on Indian lands has become a matter of great concern to me and many of my constituents. Specifically, as I have seen the problem associated with establishment of gaming halls in Indian country, I have grown increasingly concerned over the absence of Federal regulation over such activity due to the Indians' unique trust relationship with the Federal Government. It is this fiduciary relationship which precludes State and local jurisdiction over Indian tribes, and serious problems, such as the possible influence of organized crime, unfair competition with charity groups, and domination by dishonest non-Indian investors, are left unresolved.

I recently read with interest the following article from the March 25, 1985, Christian Science Monitor in which these very concerns are dis-

cussed. I commend it to my colleagues' attention.

The article follows:

**UNREGULATED HIGH-STAKES GAMBLING GROWS ON AMERICAN INDIAN RESERVATIONS**  
(By Warren Richey)

New forms of unregulated gambling are proliferating on Indian reservations across the United States, according to a California state prosecutor involved in a three-year battle to restrict the growth of professional high-stakes bingo games run by Indian tribes.

He warns that unless states are given authority to police and in some cases shut down the operations, the US may soon be faced with the development of dozens of miniature gambling towns on Indian reservations in as many as 20 states.

"They are trying to create little Las Vegas on reservations across the nation," says Rudolf Corona, a deputy attorney general in San Diego.

"These kinds of endeavors that are unregulated and shielded from view are highly attractive to organized crime," he adds.

Mr. Corona is one of a handful of state law-enforcement officials, largely in the West, who are concerned about the proliferation of large-scale bingo operations on federal Indian reservations.

According to the Bureau of Indian Affairs, 75 to 80 of the country's 300 Indian tribes have established high-stakes bingo halls in the past four years.

Federal courts have consistently ruled that state governments do not have the authority to restrict or even monitor the Indian bingo parlors, provided that they do not violate criminal laws. Bingo is regulated by states under civil statutes.

In some cases the Indian bingo games offer in excess of \$100,000 in prizes, while some states restrict bingo prizes to as little as \$250. Church and charity bingo groups, which are state-regulated, are worried they may lose their clientele to the higher stakes games on the reservations. But the Indians reply that ultimately their games will lure more novice players into the bingo halls and thus create a larger pool of bingo players for all to share.

On May 4, tribes in Florida, California, and Washington State are planning to conduct a \$1 million bingo game—the largest ever—by using satellite transmission to broadcast the action live to three of the tribes' bingo parlors. Some 4,300 bingo enthusiasts are expected to pay from \$250 to \$300 to participate in the six-hour session.

"We view it as a severe threat to the state," Corona says. The \$1 million bingo game is "a dramatic escalation in the gambling that is taking place on these reservations," he says.

"If these kinds of activities are allowed to go unchecked, then we may face some day nationally broadcast games that involve each and every state."

He adds that the Indians often sign lucrative contracts with management and investment firms specializing in opening and running big-money bingo halls. Last year the Sycuan Indians with the help of a Florida management firm expanded their bingo operation near San Diego to include Black Jack, Keno, and an illegal lottery. They attempted to circumvent state authorities by simply renaming the games "Bingo Jack," "Do-it-yourself Bingo," and "Horseace Bingo."

The operation was busted up in an August raid. In addition to \$300,000 in illicit gaming equipment, police confiscated information announcing the expected arrival soon of

E 1126

## CONGRESSIONAL RECORD — Extensions of Remarks

March 26, 1985

Japan each year for two months of study and home stays. The similar program called the Japan Prefecture Program, which is a year old, brings 47 Japanese students each year to this country for one year of studies and home stays. Both programs are administered by Washington-based Youth for Understanding, an organization I have come to respect and admire.

Learning is a lifetime endeavor, and I promise you that Mitsuko and I will continue to be ardent students of America and Japanese-American relations. We are deeply grateful to all of you, as individuals and as an organization, for all you have done to make our stay here useful, rewarding and enjoyable. We are very happy to return to Japan with such fond memories of Washington and the whole 50 states of this country. We thank you from the bottom of our hearts, and we look forward to seeing you in Tokyo or in our travels.

Sayonara.●

### BUDGET CUTS POSE PROBLEM FOR MASSACHUSETTS' STUDENTS

**HON. JOE MOAKLEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1985

● **Mr. MOAKLEY.** Mr. Speaker, certainly, one of the most damaging areas of budgetary cutbacks and programmatic restrictions proposed by President Reagan in his fiscal year 1986 budget is in the area of Federal student financial assistance, particularly with regard to the Guaranteed Student Loan Program. I would like to share with my colleagues the following letter from my good friend Joseph M. Cronin, president of the Massachusetts Higher Education Assistance Corp., about the devastating impact that these changes will have on students attending Massachusetts' independent colleges and universities. While I knew these cutbacks would be quite serious, even I was surprised at the enormous negative ramifications that will result in these postsecondary institutions. I hope that my colleagues in the Congress will realize the shortsightedness of such funding cuts and will join me in opposing the administration's proposal:

MASSACHUSETTS HIGHER EDUCATION ASSISTANCE CORP.,  
Boston, MA, March 19, 1985.

HON. JOHN JOSEPH MOAKLEY,  
U.S. House of Representatives, Cannon Building, Washington, DC.

DEAR CONGRESSMAN MOAKLEY: The Reagan Administration has proposed substantial reductions in student eligibility for a higher education loan. His budget proposal will eliminate 40,000 Massachusetts students from eligibility in order to save \$98 million.

I thought you would like to see the effect on Massachusetts students at the larger independent Massachusetts colleges and universities. The impact on U. Mass-Amherst is more than six million dollars, but the great burden of costs will be felt by those at private colleges.

The biggest surprise may be the impact on Northeastern University. Although 80 percent of their students earn a portion of their tuition through cooperative education

jobs, many must borrow the rest to pay for tuition, textbooks, room and board.

School	Loans <sup>1</sup>	Amount
Northeastern University	2,140	\$5,353,173
Boston College	1,452	3,793,894
Boston University	1,251	3,711,185
Harvard College	1,056	3,467,540
Bentley College	837	2,001,939
Suffolk University	756	2,125,179
Wentworth College	599	1,410,511
College of the Holy Cross	468	1,110,354
Merrimack College	439	999,075
Stonehill College	433	991,343
Tufts University	418	1,080,519
Worcester Polytechnic Institute	406	894,484
Western New England College	367	922,566
Assumption College	362	843,873
Babson College	339	873,665
Massachusetts Institute of Technology	332	896,340
Brandeis University	281	674,547
Simmons College	262	648,508
Clark University	243	563,350
Springfield College	207	501,100
Smith College	191	421,562
Emerson College	180	462,078
Mount Holyoke College	186	439,970
Regis College	182	414,176
Wheaton College	176	403,650
Nichols College	174	407,071
Wellesley College	155	356,315
Williams College	140	328,592
Emmanuel College	139	299,543
American International College	131	303,518
Central New England College	131	297,760
College of Our Lady of the Elms	127	309,182
Curry College	125	288,606
Lesley College	122	329,116
Anna Maria College	105	259,547
Amherst College	104	210,510
Berklee College of Music	103	243,925
Gordon College	95	221,974
Massachusetts College of Pharmacy	89	215,854
Eastern Nazarene College	54	125,062
Wheatlock College	48	116,553

<sup>1</sup> To students from families with adjusted gross income of more than \$32,500.

Again, these figures are for Massachusetts students only; 85 percent of Amherst College students have parents living in other states. MIT imports from other states 90 percent of its students, 75 percent of whom stay in Massachusetts and add to our famous high tech prosperity.

The most interesting fact is that 70 percent of our student loan recipients are from families with less than \$32,500 adjusted gross income. But many of these will be ineligible for loans because of the arbitrary \$4,000 cap on all sources of federal aid: Pell grants, work study, and loans. The Guaranteed Student Loan Program serves mainly low income and working class families and middle income families with two or three in college at once.

We appreciate your continued support of this program.

Sincerely,

JOSEPH M. CRONIN,  
President.

H.R. 1082 WILL IMPROVE U.S. HUMAN INTELLIGENCE CAPABILITIES BY FACILITATING CITIZENSHIP FOR CERTAIN SOURCES

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1985

● **Mr. STUMP.** Mr. Speaker, the ability of the United States to collect intelligence on the intentions of hostile foreign countries depends upon the ability of the Central Intelligence Agency to persuade highly placed individuals in those countries to cooperate with U.S. intelligence. The motivation for such cooperation may vary from individual to individual. However, in-

telligence sources motivated by their belief in the principles of human freedom, justice, and peace, for which the United States stands in the world, have often proved to be of the greatest intelligence value. These individuals cooperate with U.S. intelligence because they wish to contribute to the advancement of high principles of freedom and often because they hope, at the end of their U.S. intelligence service abroad, to be welcomed into the community of freedom we enjoy in the United States. Title VII of H.R. 1082 will enhance the ability of U.S. intelligence to secure the cooperation of these well-motivated, highly placed individuals abroad by permitting them, in certain circumstances, to become U.S. citizens expeditiously at the end of their intelligence service.

#### 1. UNIQUE RELATIONSHIP OF INTELLIGENCE SOURCES TO THE U.S. GOVERNMENT

To carry out its foreign intelligence collection mission, the Central Intelligence Agency depends upon human sources abroad for information and operational assistance. To secure the cooperation of a well-placed individual who can provide the needed information or assistance, the CIA officer who will work with that source must establish with three critical elements: secrecy, trust, and mutual benefit.

Secrecy is the first critical element in the relationship between the CIA and a foreign intelligence source. A potential source will cooperate with the CIA only if he believes that the secrecy of his relationship with the CIA will be protected. If he believes that the CIA cannot provide an ironclad guarantee of secrecy and deliver on that guarantee, he will not cooperate. If such secrecy is breached, the source loses his freedom, and in many parts of the world, his life. The Congress has in recent years enhanced considerably the ability of the CIA to deliver on its guarantee of secrecy in human intelligence activities by enacting the Intelligence Identities Protection Act, which protects the identities of intelligence sources, and the CIA Information Act, which excludes CIA operational files from the reach of the Freedom of Information Act.

Trust is the second critical element in the relationship between the CIA and an intelligence source. The intelligence source must be confident that the CIA as an institution of the U.S. Government, and the particular CIA officers with whom he works, will deal with him honestly and fairly, will take care of his interests in the event of mishap, and will honor fully whatever promises are made to him. The CIA takes great care to maintain such trust. Breaches of this trust would alienate foreign intelligence sources, ending their cooperation with U.S. intelligence.

Mutual benefit is the third critical element in the relationship between the CIA and the intelligence source.

March 26, 1985

## CONGRESSIONAL RECORD — Extensions of Remarks

E 1127

Neither U.S. intelligence nor an intelligence source will incur the risk which inheres in a clandestine intelligence relationship unless the product of the relationship is judged by both parties to be worth the risk. The U.S. Government benefits from the secret information and operational assistance the intelligence source provides. The intelligence source's benefits vary, sometimes including compensation and sometimes not. Among the most dedicated and effective intelligence sources, however, are those who only want a chance to contribute to the advancement of justice and freedom for which the United States stands and a chance to go to the United States at the end of their intelligence service, to participate in the free society which their secret service has helped to maintain.

### 2. ADMISSION OF INTELLIGENCE SOURCES TO THE UNITED STATES AT THE END OF THEIR SERVICE

Under section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403h), whenever the Director of Central Intelligence, the Attorney General and the Commissioner of Immigration determine that entry of an alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, the alien is admitted to the United States for permanent residence without regard to U.S. immigration laws. No more than 100 persons may be admitted under this special authority in any fiscal year. This special provision, enacted 36 years ago, provided clear authority to bring U.S. foreign intelligence sources into the United States for permanent residence at the end of their intelligence service. Without such a clear statute that applies notwithstanding any other laws, the CIA would be unable to promise a potential intelligence source that at the end of his secret intelligence service the United States will reward him and protect him with permanent U.S. residence.

The ability of the CIA—with the approval of the Attorney General and the Commissioner of Immigration—to offer permanent residence in the United States at the end of service contributes substantially to the CIA's ability to persuade highly-placed individuals abroad to cooperate with U.S. intelligence. A statute which would permit U.S. intelligence to offer to a key potential intelligence source U.S. citizenship at the end of his service would contribute further to the CIA's ability to persuade key personnel of hostile foreign governments to cooperate with U.S. intelligence.

### 3. INABILITY TO OFFER CITIZENSHIP TO INTELLIGENCE SOURCES AT THE END OF THEIR SERVICE

Although section 7 of the CIA Act provides extraordinary authority to admit foreign intelligence sources to the United States for permanent residence, no similar statute exists which contains extraordinary authority with

respect to citizenship for such persons. Thus, U.S. intelligence cannot offer citizenship to the best potential sources, because no statute exists which provides a clear guarantee that the United States can deliver on that offer after the source performs his secret intelligence service. Regardless of the value to the United States of a source's secret intelligence service, to become a citizen after he has become a permanent U.S. resident, he must qualify under the generally applicable naturalization laws. The requirement to comply with the general naturalization laws fails to take account of the critical contribution of certain intelligence sources to the national security and also fails to take account that, in certain cases, a former intelligence source may be handicapped in qualifying for citizenship solely because of his intelligence service.

Well-placed individuals of good character in hostile countries who risk their lives and livelihood for years to provide vital intelligence to the United States, because they believe in the principles for which America stands, have proved their fitness for citizenship by that service. Risking one's life and livelihood to assist a nation because of its principles represents the highest demonstration of allegiance to that nation. A foreign intelligence source whose actions contribute substantially to the security of the United States merits special consideration for citizenship.

The citizenship laws of our ally to the north, Canada, provide a clear example of a national determination that certain service of extraordinary value may merit an expedited method for conferring citizenship on the individual performing the service. Thus, section 5(4) of Canada's Citizenship Act (1976), other provisions of which contain detailed and restrictive provisions for becoming a citizen, provides:

In order . . . to reward services of an exceptional value to Canada, and notwithstanding any other provision of this Act, the Governor in Council may, in his discretion, direct the Minister to grant citizenship to any person and, where such a direction is made, the Minister shall forthwith grant citizenship to the person named in the direction.

The Canadian statute provides a useful model for special citizenship consideration based on extraordinarily valuable service to the Nation.

In the absence of a provision for special consideration for U.S. citizenship of America's best intelligence sources, they must continue to qualify for citizenship under the general naturalization laws. In some cases, however, the very activity the source undertook to assist U.S. intelligence may place the source at a disadvantage in qualifying for citizenship. Thus, for example, a source who—at the urging of U.S. intelligence—remained an active member of the Communist Party of a foreign nation to report to U.S. intelligence on the party's activities, suffers due to his cooperation with U.S. intel-

ligence when he comes to the United States at the end of his service. The time spent in service to the United States as an intelligence source does not count in the source's favor in satisfying certain waiting periods imposed by the general naturalization laws. Having been a member of a Communist Party, he must wait 10 years before becoming eligible for citizenship, since the section 313 of the Immigration and Nationality Act (8 U.S.C. 1424) requires that 10 years have elapsed since an individual seeking citizenship has terminated membership in a Communist Party. Thus, under current U.S. law, foreign intelligence sources who have contributed substantially to U.S. security not only receive no special treatment in the citizenship process, but may even be actively handicapped in that process because of their service.

In addition to the substantive handicaps which the Immigration and Nationality Act imposes upon intelligence sources seeking citizenship, that act imposes procedural handicaps as well. Section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427) requires that an individual seeking citizenship file a petition for naturalization in the court with jurisdiction over his place of residence. This requirement would result in a publicly available court record revealing that the source is in the United States and revealing where he has settled in the United States. The availability of such information could constitute a threat to the safety of the source, whose former country may seek to do him harm.

In some situations, such as that of Soviet MIG pilot Viktor Belenko, the executive branch has secured the citizenship consideration a source deserves by seeking a private bill in the Congress. The private bill procedure, however, lacks sufficient security to serve as a permanent solution to the problem of citizenship for key sources. The private bill procedure reveals that a source is in the United States, since the private bill must include the source's name. Moreover, the private bill procedure requires rather general dissemination in the legislative branch of information, much of which will be classified, concerning the merits of the private bill. Most importantly, the outcome of the private bill procedure is not predictable; the press of other legislative business or the timing of the bill may result in its failure to pass for reasons wholly unrelated to the merits of the private bill. The hit-or-miss nature of the private bill procedure prevents U.S. intelligence from offering the prospect of citizenship to attract key foreign sources to service for the United States, because U.S. intelligence cannot offer citizenship unless it is absolutely sure it can deliver on its offer, and it cannot be sure with the private bill procedure.

E 1128

## CONGRESSIONAL RECORD — Extensions of Remarks

March 26, 1985

Existing U.S. naturalization statutes do not take proper account of the special situation of the most valuable U.S. foreign intelligence sources. Legislation clearly establishing a speedy, secure, and reliable procedure for citizenship for such sources would correct this deficiency, enabling U.S. intelligence in appropriate circumstances to offer citizenship to key potential intelligence sources to attract them to service for the United States and to reward those sources who have contributed substantially to the security of the United States.

#### 4. FOREIGN INTELLIGENCE SOURCE IMPROVEMENT ACT

Title VII of H.R. 1082, entitled the "Foreign Intelligence Source Improvement Act," provides the speedy, secure, and reliable procedure for citizenship for key sources that U.S. intelligence needs. Section 702 in title VII of the bill would permit the President personally, in certain circumstances, to naturalize intelligence sources admitted to permanent U.S. residence under section 7 of the CIA Act of 1949. Section 702 provides:

Sec. 702. Section 7 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403h) is amended by inserting "(a)" after "Sec. 7." and adding at the end thereof the following new subsection—

"(b)(1) The President may, notwithstanding any other law, naturalize as a citizen of the United States an alien admitted to the United States for permanent residence pursuant to subsection (a) of this section if—

"(A) the Attorney General determines and certifies to the President that the alien is a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States, and

"(B) the President finds that the foreign intelligence activities of the alien on behalf of the United States have contributed substantially to the security of the United States,

except that in no case shall the number of aliens naturalized in any fiscal year pursuant to this subsection exceed five.

"(2) Prior to naturalization under paragraph (1) of this subsection, an alien to be naturalized under such paragraph shall, before an officer of the executive branch designated for the purpose by the President, take the oath of renunciation of former citizenship and acceptance of allegiance to the United States required of an alien naturalized under other provisions of law.

"(3) Notwithstanding any other law, a district court of the United States, upon application of the Attorney General under this subsection, shall, in a manner consistent with the protection of intelligence sources, methods and activities, issue or cause to be issued such documents relating to an alien naturalized by the President under this subsection as are issued relating to an alien naturalized under other provisions of law, and such documents relating to an alien naturalized by the President shall have the same legal effect as documents issued relating to an alien naturalized under other provisions of law.

"(4) The President may not delegate the authority granted in paragraph (1) of this subsection, anything in section 301 of title 3, United States Code, to the contrary notwithstanding.

"(5) The President shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate each time the authority granted in paragraph (1) of this subsection is exercised."

Section 702 of H.R. 1082 provides for naturalization of an intelligence source admitted to permanent U.S. residence under the CIA Act if, first, the Attorney General determines that the source is of good character and, second, the President finds that the source's foreign intelligence activities contributed substantially to the security of the United States. To ensure application of the provision in the manner intended, section 702 carefully circumscribes the unusual authority it confers to naturalize individuals whose intelligence activities have made an extraordinary contribution to U.S. security. Thus, the individual to be naturalized must, to the satisfaction of the Attorney General, meet the good character requirement applicable to candidates for naturalization under other laws (see 8 U.S.C. 1427(a)(3)); the President personally must evaluate the individual's intelligence activity and find that it constitutes a substantial contribution to U.S. security; the President personally must exercise the naturalization authority and may do so only with respect to not more than five individuals per fiscal year; and the President must notify the intelligence committees of the Congress each time he uses the authority.

Section 702 provides a clear and reliable statutory procedure for naturalization of individuals whose valuable secret intelligence service for the United States merits citizenship. The reliability of the procedure will enable U.S. intelligence to offer citizenship in appropriate circumstances to key potential intelligence sources. Enactment of section 702 will enhance the ability of the CIA to collect critically needed foreign intelligence and will properly reward with citizenship the Nation's most highly valuable, deserving intelligence sources.●

#### UNDERSTANDING AIMS OF IRISH NATIONALISM

HON. JOSEPH J. DiGUARDI  
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1985

● Mr. DiGUARDI. Mr. Speaker, on March 17, Saint Patrick's Day, 1982, an Taoiseach—Irish prime minister—Charles Haughey delivered an important message at the White House at the invitation of President Ronald Reagan. At that time, Mr. Haughey, like Tomas O'Flaich, the Archbishop of Armagh and Cardinal Primate of All Ireland, recognized both the historical and the practical validity of an American dimension to Irish affairs. Mr. Haughey also encouraged positive American involvement in the quest for a just and lasting peace for all Ireland.

This month, now as the leader of the opposition, Fianna Fail, party in Dail Eilreann, Mr. Haughey returned to the United States to resume his call for American support for the cause of Irish reunification, which is the sine qua non of peace with justice. He asks that the noble principles that inspired the Founding Fathers of this great Nation be applied to Ireland.

In a major address to the Friends of Fianna Fail in America in New York on Friday, March 1, 1985, Charles Haughey dealt plainly with the confused, often negative signals which have emanated from Dublin and issued a call for constructive dialog and cooperation. He also spoke plainly about the situation in Northeast Ireland where there is no democratic government and the six-county area can only be governed by force and the constant deployment on the streets of fully armed troops and police.

Last month British Prime Minister Margaret Thatcher told this Congress that our collective traditions and common heritage included:

Representative government, habeas corpus, trial by jury, a system of constitutional checks and balances . . . religious toleration.

She reminded us that:

In the practice of politics—and in our civilization generally—the conscious inspiration of it all has been the belief and practice of freedom under law, a freedom disciplined by morality, under a law perceived to be just.

Charles Haughey came to America this month to remind us that none of those noble principles are put into practice in those six of the divided Irish Province of Ulster's nine counties known as Northern Ireland. He also seeks to enhance our understanding of the legitimate aims of Irish nationalism and of the Irish fundamental, permanent aspiration for sovereign independence which rises Phoenix-like in each generation.

I agree with Mr. Haughey that:

The time has surely come for America to use her great power and influence to help—solve one of the major political problems of the West and to eliminate a source of tension and trouble between two nations with whom she has the closest historical ties of friendship.

As I have often said, America's debt to the Irish is no less than the debt she redeemed in France in 1918 and again in 1944.

For the purpose of constructive dialog, I offer, for consideration in the record of this Congress, this address by: Charles J. Haughey, T.D., president of Fianna Fail, on the occasion of the first annual dinner of the friends of Fianna Fail in America, New York, March 1, 1985.

ADDRESS BY CHARLES J. HAUGHEY T.D.,  
PRESIDENT OF FIANNA FAIL

Our dinner this evening is presided over by one of the greatest and finest Irish-Americans of any era, Thomas W. Gleason.

At the age of fifteen Teddy Gleason went down to work on the docks of New York for 10 cents an hour and rose to become Presi-